

Modification of Minister's Approval

Section 75W of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning, I modify the concept plan and project application referred to in Schedule 1, subject to the conditions in Schedule 2-4.



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Executive Director
Key Sites and Industry Assessments

Sydney 23/12 /

2016

SCHEDULE 1

Concept & Project Approval: MP 06_0060 and MP 06_0058 granted by the Minister for Planning on 25 January 2007.

For the following:

A Concept Plan involving:

- a 614 lot residential subdivision;
- a residential development for adaptable housing;
- commercial development; and
- environmental protection measures on the remaining land.

A Project Application for a 614 lot residential subdivision.

Modification: MP 06_0060 and MP 06_0058 MOD 15:

- To reduce the number of lots from 614 to 607;
- Revise the subdivision layout;
- Update references to the approved plans and documentation; and
- Modify the Statement of Commitments.

SCHEDULE 2 – CONCEPT PLAN

The Concept Approval is modified by:

1. Amend Part A – Concept Plan Approval – A1 Table with the insertion of the **bold and underlined** words and deletion of words/numbers shown ~~bold-strikethrough~~ as follows:

A1 *Table*

Proponent:	Stockland Developments Pty Ltd (Level 4, 157 Liverpool Street, Sydney) or the relevant person acting upon all or any part of the approval, and includes any person certified by the Minister to be the proponent.
Application made to:	Minister for Planning
Major Project Number:	06_0060
On land comprising:	Lot 801 DP 1022286 Lot 802 DP 1022286 Lot 72 DP 874040 Lot 73 DP 874040 Lot 74 DP 874040 Lot 75 DP 874040
Local Government Area:	Shoalhaven City Council
Approval in summary for:	A Concept Plan for: <ul style="list-style-type: none"> • A four lot super lot subdivision; • A 614 <u>607</u> lot residential subdivision; • A residential development for an adaptable housing area; • A commercial development; and • Environmental protection measures on the remaining land.
Capital Investment Value:	\$150 million
Type of development:	Concept approval under Part 3A of the Act
Determination made on:	25 January 2007
Determination:	Concept approval is granted subject to the modifications in the attached Schedule 4.
Date of commencement of approval:	This approval commences on the date of the Minister's approval
Date approval will lapse:	5 years from the date of determination

2. Amend Part A – Condition A2(1)(a) with the insertion of the **bold and underlined** words and deletion of words/numbers shown ~~bold-strikethrough~~ as follows:

A2 *Approval in detail*

Concept approval is only to the following development:

- (1) a residential development involving:
 - (a) up to ~~614~~ **607** residential lots;

3. Amend Part A – Condition A3 with the insertion of the **bold and underlined** words as follows:

A3 *Development in Accordance with Plans and Documentation*

- (1) The following plans and documentation (including any appendices therein) are approved as part of the Concept Plan:
- (a) *Vincentia: Environmental Assessment Report. February 2006* prepared by ERM Australia, Forbes Rigby Pty Ltd, and Annand Alcock Urban Design on behalf of Stockland Developments Pty Ltd;
 - (b) *Vincentia: Major Project Application: Supporting Technical Reports. Volume 1* prepared by ERM Australia, Forbes Rigby Pty Ltd, and Annand Alcock Urban Design on behalf of Stockland Developments Pty Ltd; and
 - (c) *Vincentia: Major Project Application: Supporting Technical Reports. Volume 2* prepared by ERM Australia, Forbes Rigby Pty Ltd, and Annand Alcock Urban Design on behalf of Stockland Developments Pty Ltd.
- (2) The following Preferred Project Report and revised Statements of Commitment are approved:
- (d) Preferred Project Report including Revised Statement of Commitments prepared by Stockland Developments Pty Ltd and dated December 2006, as amended by Don Fox Planning Pty Ltd dated August 2007, as amended by Don Fox Planning Pty Ltd dated April 2008, and as amended by Cardno Forbes Rigby letter dated 22 December 2008, as amended by Cardno Forbes Rigby letter dated 12 March 2009, as amended by Don Fox Planning Pty Ltd letters dated 9 July 2010 and 16 August 2010, as amended by Don Fox Planning Amended Preferred Project Report dated 30 November 2010 and Statement of Commitments dated 1 February 2011, as amended by the Don Fox Planning Pty Ltd letter dated 16 March 2012, as amended by Don Fox Planning report dated 20 November 2012 and the Response to Submissions dated 10 January 2013, **as amended by DFP Planning Pty Ltd letter dated 6 July 2016, the Response to Submissions dated 26 September 2016 and revised Statement of Commitments dated 26 September 2016.**
- (3) In the event of any inconsistencies,
- (e) the preferred project report and revised Statement of Commitment in (2) prevails to the extent of any inconsistency in the plans and documentation identified in (1); and
 - (f) the modifications of the Concept Plan approval identified in Schedule 2 prevail over the documentation listed in (1) and (2) above.

END OF SECTION

SCHEDULE 3

The Project Approval is modified by:

1. Amend Part A – A1 Table with the insertion of the **bold and underlined** words and deletion of words/numbers shown ~~bold strikethrough~~ as follows:

A1 Table

Proponent:	Stockland Developments Pty Ltd (Level 4, 157 Liverpool Street, Sydney) or the relevant person acting upon all or any part of the approval, and includes any person certified by the Minister to be the proponent.
Application made to:	Minister for Planning
Major Project Number:	06_0058
On land comprising:	Lot 801 DP 1022286 Lot 802 DP 1022286 Lot 72 DP 874040 Lot 73 DP 874040 Lot 74 DP 874040 Lot 75 DP 874040
Local Government Area:	Shoalhaven City Council
Approval in summary for:	A Project Application for a 614 <u>607</u> lot residential subdivision and a four lot super lot subdivision.
Capital Investment Value:	\$150 million
Type of development:	Project approval under Part 3A of the Act
Determination made on:	25 January 2007
Determination:	Project approval is granted subject to the conditions in the attached Schedule 4
Date of commencement of approval:	This approval commences on the date of the Minister's approval
Date approval will lapse:	5 years from the date of determination

2. Amend Part A – Condition A2(1)(a) with the insertion of the **bold and underlined** words and deletion of words/numbers shown ~~bold strikethrough~~ as follows:

A2 Approval in detail

Concept approval is only to the following development:

- (1) a residential development involving:
 - (a) up to ~~614~~ **607** residential lots;

3. Amend Part A – Condition A3(2)(a) with the insertion of the **bold and underlined** words as follows:

A3 *Development in Accordance with Plans and Documentation*

- (2) The following Preferred Project Report and revised Statements of Commitment are approved:
- (a) Preferred Project Report including Revised Statement of Commitments prepared by Stockland Developments Pty Ltd and dated December 2006, as amended by Don Fox Planning Pty Ltd dated August 2007, as amended by Don Fox Planning Pty Ltd dated April 2008, and as amended by Cardno Forbes Rigby letter dated 22 December 2008, as amended by Cardno Forbes Rigby letter dated 12 March 2009, as amended by Don Fox Planning Pty Ltd letters dated 9 July 2010 and 16 August 2010, as amended by Don Fox Planning Amended Preferred Project Report dated 30 November 2010 and Statement of Commitments dated 1 February 2011, as amended by the Don Fox Planning Pty Ltd letter dated 16 March 2012, as amended by Don Fox Planning report dated 20 November 2012 and the Response to Submissions dated 10 January 2013, **as amended by DFP Planning Pty Ltd letter dated 6 July 2016, the Response to Submissions dated 26 September 2016 and revised Statement of Commitments dated 26 September 2016.**

END OF SECTION

SCHEDULE 4

4. Amend Schedule 4 - Part A Conditions of Project Approval - Condition A1 with the insertion of the **bold and underlined** words and deletion of words/numbers shown ~~bold strikethrough~~ as follows:

A1 *Residue land*

For the purposes of clarification, this approval limits subdivision and subdivision works for the following to lands shown highlighted as "Project Approval" shown on the plan labelled "Application Definition Plan" in the *Vincentia: Environmental Assessment Report. February 2006*:

- (a) a **614 607** residential lot subdivision;
 - (b) an open space area of at least 60 hectares, comprising:
 - (i) water sensitive urban design /asset protection zones and urban parks; and
 - (ii) at least 48 hectares of environmental conservation areas;
 - (c) an internal road network;
 - (d) three access points to Naval College Road;
 - (e) construction works related to providing physical infrastructure (both on and off site) and services including some vegetation clearing; and
 - (f) water sensitive urban design measures and landscaping of public space in streets and parks.
5. Amend Schedule 4 - Part A Conditions of Project Approval - Condition A13 with the insertion of the **bold and underlined** words as follows:
- A13** The bushfire protection requirements listed in the Bushfire Protection Assessment reports prepared by Ecological Australia dated 30 November 2010 **and 26 September 2016** ~~relating to building construction standards and Asset Protect Zones~~ are to be implemented and maintained as required.
6. Amend Schedule 4 - Part A Conditions of Project Approval – Insert new Conditions A13 (a-f) as follows:
- A13(a) All residential lots shall be maintained as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.**
- A13(b) Prior to release of lots 1401-1450 in stage 14, easements are to be created over the residual lot adjoining the eastern and western boundary of these lots to a distance of 35 metres for the purpose of Asset Protection Zones (APZs) in accordance with Appendix 2 of *Planning for Bush Fire Protection 2006*. Easements shall be created in accordance with section 88B of the Conveyancing Act 1919 and may be extinguished when the burdened lot is fully developed and has removed the hazard to the benefited lot.**
- A13(c) Prior to the release of lots 1401-450 in stage 14, roads adjoining the proposed lots in stages 14 to 16, including Coaster Circuit, Halloran Street, and Moona Creek Road, shall be fully constructed. All road reserves shall be maintained as an Asset Protection Zone (APZ) in accordance with Appendix 2 of *Planning for Bush Fire Protection 2006*.**

A13(d) Water, electricity and gas are to comply with section 4.1.3 of *Planning for Bush Fire Protection 2006*.

A13(e) Prior to release of lots in each stage of stages 14 to 16, public roads shall comply with section 4.1.3 (1) of *Planning for Bush Fire Protection 2006*. This includes incorporating temporary complying turning areas where dead end roads are created as a result of staging.

A13 (f) The Bushfire Attack Level for all lots within stages 14 to 16 shall be determined by an accredited bushfire consultant in consultation with the NSW Rural Fire Service prior to the release of the relevant subdivision certificate.

7. Amend Schedule 4 - Part A Conditions of Project Approval – Condition A20 with the insertion of the **bold and underlined** words and deletion of words/numbers shown **~~bold strikethrough~~** as follows:

A20 A Restriction as to User under s.88B of the Conveyancing Act is to be created over the title of the following lots:

- Lots 575 to 586 inclusive restricting vehicular access to these lots to Halyard Lane;
- Lot 592 restricting vehicular access to this lot to Bow Street; **~~and~~**
- Lot 597 restricting vehicular access to this lot to Haylard Lane;
- **Lots 1601 to 1618 (inclusive) and Lot 1619 restricting vehicular access to these lots to Road 3; and**
- **Lots 1415 and 1428 restricting vehicular access to these lots to Bayswood Avenue.**

The specific wording of this restriction is to reflect the intent of the condition and be agreed between **Stockland the Proponent** and Shoalhaven Council, approved by Shoalhaven Council prior to the issuing of the Subdivision Certificate and registered with the subdivision plan that creates these lots.

8. Amend Schedule 4 - Part A Conditions of Project Approval – Condition A23 with the insertion of the **bold and underlined** words and deletion of words/numbers shown **~~bold strikethrough~~** as follows:

A23 Payment of Developer Charges (Section 64 – Water supply charges and Sewer charges) are applicable for the **additional lots approved as part of Modification 15**. The section 64 charges are **\$6,578.00 (2016/17)** per lot for water and **\$8,339.00 (2016/17)** per lot for sewer.

Note:

- (1) Council resolved on 3 September 2013 to allow a concessional Water Supply and Sewer charges of \$3,289.00 (2016/17) per lot and \$4,169.50 (2016/17) per lot respectively.**
- (2) The applicant is advised however that after 30 June 2017 the Council resolution (MIN13.864) may NOT apply. As such the overall applicable charge may be significantly greater than the discounted amount.**

9. Amend Schedule 4 - Part A Conditions of Project Approval – Condition A24 with the insertion of the **bold and underlined** words and deletion of words/numbers shown **~~bold strikethrough~~** as follows:

- A24** The developer shall provide for a 20mm metered service to each unmetered lot. The cost for a 20mm service is ~~\$680.00 (2010/11)~~ **\$732.00 (2016/17)**. All meters shall be located within the lot to be served as approved by Shoalhaven Water.

Note: The connection fee for a 20mm metered service is \$112.00 (2016/17) and is paid by the person making application for installation of the metered service.

10. Amend Schedule 4 - Part A Conditions of Project Approval – by the insertion of new Condition A25 as follows:

- A25 The two open space corridors between Coaster Circuit and Road 1 shall be designed to accommodate drainage infrastructure (piped and overland flow) to cater for 1:100 year ARI events. Details to be provided as part of documentation for the relevant Construction Certificate.**

END OF SECTION